

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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|--|---|--------------------------------------|
| HIGH RIVER LIMITED PARTNERSHIP, | : | CIVIL ACTION NO. 1:05-CV-0594 |
| | : | |
| Plaintiff | : | (Judge Conner) |
| | : | |
| v. | : | |
| | : | |
| MYLAN LABORATORIES, INC., | : | |
| | : | |
| Defendant | : | |

ORDER

AND NOW, this 15th day of July, 2005, upon consideration of defendant's objection to plaintiff's interrogatories¹ requesting the identity of those individuals who proposed an advance notice bylaw enacted by defendant and challenged by plaintiff on grounds that it was motivated by improper purpose and violates the requirement of section 1758(e) of the Pennsylvania Business Corporation Law that such provisions be "fair and reasonable" in light of corporate needs,² see 15 PA. CONS. STAT. §§ 104, 1758(e), 1793; see also Dugan v. Firemen's Pension Fund of Phila., 94 A.2d 353, 355 (Pa. 1953); Commonwealth ex rel. Laughlin v. Green, 40 A.2d 492, 494-95 (Pa. 1945); Lutz v. Webster, 94 A. 834, 835 (Pa. 1915); 12 SUMM. PA. JUR. 2D Business Relationships § 5:62, and it appearing that defendant has disclosed the

¹ The objection was raised and addressed, with the court's approval, through correspondence and a telephone conference (Doc. 39) rather than formal motion practice. See FED. R. CIV. P. 1, 26, 37.

² The allegations of the complaint are discussed in greater detail in the opinion of the court addressing defendant's motion to dismiss (Doc. 32), familiarity with which is presumed.

identity of those individuals who first proposed the bylaw amendment and that further information relating to the proposal may be obtained more effectively and efficiently, with appropriate regard for potentially applicable privileges, through depositions of these individuals rather than through interrogatories, see FED. R. CIV. P. 26(b)(2), it is hereby ORDERED that the objection is SUSTAINED.

Defendant shall not be required to respond further to plaintiff's interrogatories requesting the identity of those individuals who proposed the advance notice bylaw at issue.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge